

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TIMOTHY STIVERS, individually and on	)	
behalf of all other similarly situated,	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 12-1534
	)	United States Magistrate Judge
	)	Cynthia Reed Eddy
OFFICE DEPOT, INC.,	)	
Defendant.	)	

**ORDER OF COURT**

**AND NOW**, this 19<sup>th</sup> day of September, 2013, upon consideration of Plaintiff's Unopposed Motion for Final Approval of the Settlement Agreement (ECF No. 28), and Plaintiff's Unopposed Motion for Approval of Attorneys' Fees and Costs (ECF No. 26), **IT IS HEREBY ORDERED** as follows:

1. The Parties' Settlement Agreement is finally approved as fair, reasonable and adequate, and a fair and reasonable resolution of a *bona fide* dispute.

2. For settlement purposes only, the following Settlement Class is finally certified pursuant to Fed. R. Civ. P. 23: all individuals who are current or former employees of Defendant Office Depot, Inc. who worked as Assistant Store Managers in the Commonwealth of Pennsylvania any time between October 23, 2008 and January 1, 2011.

3. Timothy Stivers is finally approved as the Class Representative, as well as the additional service award and payment to Mr. Stivers for his efforts in bringing and prosecuting this matter, plus, separately and independently in exchange for his Class Representative's Released Claims executed in favor of Defendant, is finally approved.


4. Berger & Montague, P.C., Klafter Olsen & Lesser LLP and Whitfield Bryson & Mason, LLP are finally approved as Class Counsel for the Settlement Class.

5. Plaintiff's Unopposed Motion for Approval of Attorneys' Fees and Costs is granted, and payment of attorneys' fees in the amount of \$32,666 and costs in the amount of \$810.02 are finally approved.

6. The Class Members who did not opt-out of the Settlement Class by July 29, 2013 are hereby bound by the releases described in the Settlement Agreement.

7. The Court hereby enters final judgment in this case and dismisses it with prejudice in accordance with the terms of the Settlement Agreement. There being no reason to delay entry of this Final Judgment, the Clerk of the Court is ordered to enter this Final Judgment forthwith pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

8. Without affecting the finality of this Final Judgment in any way, the Court reserves exclusive and continuing jurisdiction over this action, the named Plaintiff, the certified class, and the Defendant for purposes of supervising the implementation and enforcement of the Settlement Agreement, the Preliminary Approval Order, this Order, and the distribution of all settlement payments and tax forms.

  
Cynthia Reed Eddy  
United States Magistrate Judge

cc: all counsel of record